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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Reliance Hospitality LLC,

10 Plaintiff,

11 v.

12 5251 S Julian Drive LLC,

13 Defendant.  
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No. CV-22-00149-TUC-JAS (MSA)

**ORDER**

15 On August 4, 2022, Plaintiff Reliance Hospitality LLC filed an amended complaint.  
16 (Doc. 25.) For two reasons, the amended complaint will be stricken. First, pursuant to the  
17 scheduling order, the deadline for the parties to amend their pleadings was June 24, 2022.  
18 (Doc. 22.) Plaintiff's filing comes more than one month after that deadline. If Plaintiff  
19 wants to amend its pleading, it must first request that the scheduling order be modified. *See*  
20 *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607–09 (9th Cir. 1992) (explaining  
21 that a party must first seek to modify the scheduling order if he wishes to amend his  
22 pleading after the deadline for amendments has passed); Fed. R. Civ. P. 16(b)(4) (providing  
23 that “[a] schedule may be modified only for good cause and with the judge’s consent”).  
24 Second, Plaintiff’s amendment seemingly violates Federal Rule of Civil Procedure 15(a),  
25 and it certainly violates Local Rule of Civil Procedure 15.1. Plaintiff does not indicate that  
26 the other parties consented in writing to the amendment; thus, Plaintiff could amend only  
27 with “the court’s leave.” Fed. R. Civ. P. 15(a)(2). Yet, Plaintiff did not seek the Court’s  
28 leave; he simply filed his amended pleading. In addition, whether amendment is pursuant

1 to the parties' consent or to the Court's leave, the amending party must submit a redlined  
2 version of the amended pleading "indicat[ing] in what respect it differs from the pleading  
3 which it amends." LRCiv 15.1. Plaintiff failed to do so here. Consequently,

4 **IT IS ORDERED** that the amended complaint (Doc. 25) is **stricken**. The original  
5 complaint (Doc. 1-4) remains as the operative pleading.

6 Dated this 5th day of August, 2022.

7   
8 Honorable Maria S. Aguilera  
9 United States Magistrate Judge  
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